

3-Part Approach to Mitigate Impact of Foreign National Felon Population on Arizona

Overview

a. 4,179 FN inmates (12.8% population) confined (7/1) x \$53.44 (FY02) = \$223,325.76 per day

b. FN population

Most serious charge (by category): Person-to-Person (46.1 %), Drugs/alcohol (34.8%), Property (17.3%), other (1.8%)

Gang Affiliation: 18.7% - STG, 5.9%; other, 12.8%

Custody Level: Low - .01%; Medium - 70.4%; High -29.5%

1. ICE should prioritize and process eligible inmates for deportation as soon as possible

a. 552 FN inmates exceeded deportation eligibility date by 89,923 bed days =

\$4,805,485.10 (\$53.44 per day X 89,923 bed days)

b. As many as 200 eligible inmates waiting only for ICE supervisors' signature

ADC currently provides considerable assistance to ICE with the deportation process:

- a. ADC provides 6 hearing sites for ICE agents for initial interview to determine FN status.
- b. ADC tracks inmates amenable to removal through AIMS
- c. ADC gives lists of inmates requiring Administrative Hearings to ICE
- d. ADC produces inmates to the 6 sites for Administrative/Removal Hearings
- e. ADC notifies ICE agents when inmates approach eligible deportation date
- f. ADC notifies ICE when inmates are eligible for release to a detainer
- g. ADC coordinates releases to detainer/removal orders with ICE agents
- h. ADC notifies ICE 30 days prior to inmates' release date

ADC has offered to do more:

- a. ADC staff to be trained by ICE to perform additional ICE functions.
- b. ADC/ICE to codify agreement in MOU.

2. Congress should reimburse ADC for its total cost to confine FN inmates

a. During FY04, ADC confined an average of 3,964 FN inmates

b. ADC expended \$77,321,784 to confine FN inmates a total of 1,446,890 bed days.

c. SCAAP reimbursed ADC about 9 cents for every dollar we spent on operations during FY04 and no cents for any of its capital costs. ADC received \$6,808,219.

3. The courts should prosecute and punish more repeat illegal aliens committing certain felonies in the federal system

a. Federal statute 8 U.S.C.A. § 1326 provides where certain removed aliens re-enter the US, they are subject to fine or imprisonment in the federal system:

i. 8 U.S.C.A. § 1326 (b)(1) – if the alien’s removal was subsequent to a conviction for 3 or more misdemeanors for drug crimes or crimes against a person, or any felony, up to 10-year sentence

ii. 8 U.S.C.A. § 1326 (b)(2) – in the case of an aggravated felony, up to 20-year sentence

iii. 8 U.S.C.A. § 1326 (c) holds when aliens who were deported are found in the US, they shall be incarcerated for the remainder of the sentence pending at the time of deportation without any reduction for parole.

b. Of the 4,179 FN inmates in ADC today, 2,546 (60.9%) illegally entered the country on more than one occasion (to our knowledge) of which number:

i. approximately 1,259 (30.1%) illegal aliens committed an aggravated felony crime

ii. 683 (16.3%) committed felony crimes in Arizona during prior illegal entries for which they were incarcerated by ADC to serve state time for those crimes.

c. Prosecuting all 4,179 – or all 1,259 repeat illegal aliens committing aggravated felonies in federal court would protect Arizona communities, fortify our deterrent efforts and impose sterner sanctions available than state statute provides subject to the following:

i. ICE agent availability

ii. Prosecutorial availability

d. FYI, 1,636 (64.3%) illegal aliens committed a violent felony crime